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Federal Register

Vol. 49, No. 65

Tuesday, April 3, 1984

Presidential Documents

Title 3—

Executive Order 12470 of March 30, 1984

The President

Continuation of Export Control Regulations

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (hereinafter referred to as "the Act"), and 22 U.S.C. 287c,

I, RONALD REAGAN, President of the United States of America, find that the unrestricted access of foreign parties to United States commercial goods, technology, and technical data and the existence of certain boycott practices of foreign nations constitute, in light of the expiration of the Export Administration Act of 1979, an unusual and extraordinary threat to the national security, foreign policy and economy of the United States and hereby declare a national economic emergency to deal with that threat.

Accordingly, in order (a) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States; (b) to further significantly the foreign policy of the United States, including its policy with respect to cooperation by United States persons with certain foreign boycott activities, and to fulfill its international responsibilities; and (c) to protect the domestic economy from the excessive drain of scarce materials and reduce the serious economic impact of foreign demand, it is hereby ordered as follows:

Section 1. Notwithstanding the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*), the provisions of that Act, the provisions for administration of that Act and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 and Executive Order No. 12214 of May 2, 1980, shall, to the extent permitted by law, be incorporated in this Order and shall continue in full force and effect.

Sec. 2. All rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, including those published in Title 15, Chapter III, Subchapter C, of the Code of Federal Regulations, Parts 368 to 399 inclusive, and all orders, regulations, licenses and other forms of administrative action issued, taken or continued in effect pursuant thereto, shall, until amended or revoked by the Secretary of Commerce, remain in full force and effect, the same as if issued or taken pursuant to this Order, except that the provisions of sections 203(b)(2) and 206 of the Act (50 U.S.C. 1702(b)(2) and 1705) shall control over any inconsistent provisions in the regulations with respect to, respectively, certain donations to relieve human suffering and civil and criminal penalties for violations subject to this Order. Nothing in this section shall affect the continued applicability of administrative sanctions provided for by the regulations described above.

Sec. 3. Provisions for the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) may be made and shall continue in full force and effect until amended or revoked under the authority of section 203 of the Act (50 U.S.C. 1702). To the extent permitted by law, this Order also shall constitute authority for the issuance and continuation in full force and effect of all rules and regulations by the President or his delegate, and all orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant thereto, relating to the administration of section 38(e).

13100 Federal Register / Vol. 49, No. 65 / Tuesday, April 3, 1984 / Presidential Documents

Sec. 4. This Order shall be effective as of midnight between March 30 and March 31, 1984 and shall remain in effect until terminated. It is my intention to terminate this Order upon the enactment into law of a bill reauthorizing the authorities contained in the Export Administration Act.

Ronald Reagan

THE WHITE HOUSE,
March 30, 1984.

[FR Doc. 84-0919

Filed 3-30-84; 3:07 pm]

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Editorial note: The President's message to Congress of Mar. 30, 1984 reporting on the continuation on export controls, is printed in the *Weekly Compilation of Presidential Documents* (vol. 20, no. 13).

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Monday, April 2, 1984
Volume 20—Number 13
Pages 427-460

Administration of Ronald Reagan, 1984 / Mar. 30

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 the Export Administration Act.

Ronald Reagan

The White House,
 March 30, 1984.

[Filed with the Office of the Federal Regis-
 ter, 3:07 p.m., March 30, 1984]

Continuation of Export Control Regulations

Message to the Congress. March 30, 1984

To the Congress of the United States:

Pursuant to section 204(b) of the Interna-
 tional Emergency Economic Powers Act, 50
 U.S.C. 1703, I hereby report to the Con-
 gress that I have today exercised the au-
 thority granted by this Act to continue in
 effect the system of controls contained in
 15 C.F.R. Parts 368-399, including restric-
 tions on participation by United States per-
 sons in certain foreign boycott activities,
 which heretofore has been maintained
 under the authority of the Export Adminis-
 tration Act of 1979, as amended, 50 U.S.C.
 App. 2401 *et seq.* In addition, I have made
 provision for the administration of Section
 38(e) of the Arms Export Control Act, 22
 U.S.C. 2778(e).

1. The exercise of this authority is necessi-
 tated by the expiration of the Export Ad-
 ministration Act on March 30, 1984, and
 the resulting lapse of the system of controls
 maintained under that Act.

2. In the absence of controls, foreign par-
 ties would have unrestricted access to
 United States commercial products, technol-
 ogy and technical data, posing an unusual
 and extraordinary threat to national secu-
 rity, foreign policy, and economic objectives
 critical to the United States. In addition,
 United States persons would not be prohib-
 ited from complying with certain foreign

boycott requests. This would seriously harm
 our foreign policy interests, particularly in
 the Middle East. Controls established in 15
 C.F.R. 368-399, and continued by this
 action, include the following:

National security export controls
 aimed at restricting the export of goods
 and technologies which would make a
 significant contribution to the military
 potential of any other country and
 which would prove detrimental to the
 national security of the United States;

Foreign policy controls which further
 the foreign policy objectives of the
 United States or its declared interna-
 tional obligations in such widely recog-
 nized areas as human rights, anti-ter-
 rorism, and regional stability;

Nuclear nonproliferation controls
 that are maintained for both national
 security and foreign policy reasons, and
 which support the objectives of the Nu-
 clear Nonproliferation Act;

Short supply controls that protect do-
 mestic supplies; and

Anti-boycott regulations that prohibit
 compliance with foreign boycotts
 aimed at countries friendly to the
 United States.

3. Consequently, I have issued an Execu-
 tive Order (a copy of which is attached) to
 continue in effect all rules and regulations
 issued or continued in effect by the Secre-
 tary of Commerce under the authority of
 the Export Administration Act of 1979, as
 amended, and all orders, regulations, li-
 censes, and other forms of administrative
 actions under that Act, except where they
 are inconsistent with sections 203(b) and
 206 of the International Emergency Eco-
 nomic Powers Act.

4. The Congress and the Executive have
 not permitted export controls to lapse since
 they were enacted under the Export Con-
 trol Act of 1949. Any termination of con-
 trols could permit transactions to occur that
 would be seriously detrimental to the na-
 tional interests we have heretofore sought
 to protect through export controls and re-
 strictions on compliance by United States
 persons with certain foreign boycotts. I be-
 lieve that even a temporary lapse in this
 system of controls would seriously damage
 our national security, foreign policy and

Mar. 30 / Administration of Ronald Reagan, 1984

economic interests and undermine our credibility in meeting our international obligations.

5. The countries affected by this action vary depending on the objectives sought to be achieved by the system of controls instituted under the Export Administration Act. Potential adversaries are seeking to acquire sensitive United States goods and technologies. Other countries serve as conduits for the diversion of such items. Still other countries have policies that are contrary to United States foreign policy or nuclear non-proliferation objectives, or foster boycotts against friendly countries. For some goods or technologies, controls could apply even to our closest allies in order to safeguard against diversion to potential adversaries.

6. It is my intention to terminate the Executive Order upon enactment into law of a bill reauthorizing the authorities contained in the Export Administration Act.

Ronald Reagan

The White House,
March 30, 1984.

Trust Territory of the Pacific Islands

*Message to the Congress Transmitting
Proposed Legislation To Approve a
Compact of Free Association.
March 30, 1984*

To the Congress of the United States:

There is enclosed a draft of a Joint Resolution to approve the "Compact of Free Association," the negotiated instrument setting forth the future political relationship between the United States and two political jurisdictions of the Trust Territory of the Pacific Islands.

The Compact of Free Association is the result of more than fourteen years of continuous and comprehensive negotiations, spanning the administrations of four Presidents. The transmission of the proposed Joint Resolution to you today marks the last step in the Compact approval process.

The full text of the Compact is part of the draft Joint Resolution, which I request be introduced, referred to the appropriate

committees for consideration, and enacted. I also request that the Congress note the agreements subsidiary to the Compact. Also enclosed is a section-by-section analysis to facilitate your consideration of the Compact.

The defense and land use provisions of the Compact extend indefinitely the right of the United States to foreclose access to the area to third countries for military purposes. These provisions are of great importance to our strategic position in the Pacific and enable us to continue preserving regional security and peace.

Since 1947, the islands of Micronesia have been administered by the United States under a Trusteeship Agreement with the United Nations Security Council. This Compact of Free Association with the governments of the Federated States of Micronesia and the Republic of the Marshall Islands would fulfill our commitment under that agreement to bring about self-government. Upon termination of the Trusteeship Agreement, another political jurisdiction of the Trust Territory of the Pacific Islands, the Northern Mariana Islands, will become a commonwealth of the United States.

The Compact of Free Association was signed for the United States by Ambassador Fred M. Zeder, II, on October 1, 1982, with the Federated States of Micronesia, and on June 25, 1983, with the Republic of the Marshall Islands. It is the result of negotiations between the United States and broadly representative groups of delegates from the prospective freely associated states.

In 1983, United Nations-observed plebiscites produced high voter participation, and the Compact was approved by impressive majorities. In addition to approval in the plebiscites, the Compact has been approved by the governments of the Republic of the Marshall Islands and the Federated States of Micronesia in accordance with their constitutional processes.

Enactment of the draft Joint Resolution approving the Compact of Free Association would be a major step leading to the termination of the Trusteeship Agreement with the United Nations Security Council, which the United States entered into by Joint Resolution on July 18, 1947. Therefore, I urge